

Court Clarifies: DEI Injunction Applies Across Government

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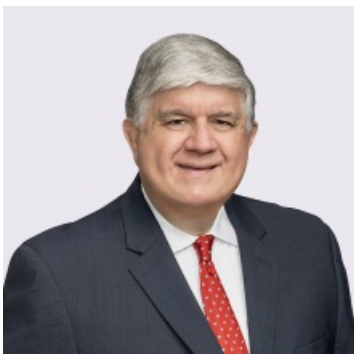
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Takeaways

- The federal court clarified that its preliminary injunction against the enforcement of EOs banning “illegal DEI” programs applies to federal executive branch agencies, departments, commissions, and their heads, officers, agents, and subdivisions, not just to those named in the complaint.
- Employers should continue assessing their DEI programming.

Related links

- [DEI Injunction Stands: Court Denies Trump Administration’s Motion to Stay](#)
- [Federal Court Blocks Provisions of Trump Administration’s ‘Illegal DEI’ Executive Orders](#)
- [Trump Administration Revokes EO 11246, Prohibits ‘Illegal’ DEI: What the EO Ending Illegal Discrimination and Restoring Merit-Based Opportunity Means for Employers](#)
- [Post-EO DEI Assessments: What Are They and Why Should You Do Them?](#)
- [Ten State Attorneys General Launch Inquiry into Major Financial Institutions’ DEI & ESG Programs](#)

Article

The federal district court for the district of Maryland on March 10, 2025, clarified its [Feb. 21 preliminary injunction](#) against Trump Administration enforcement of aspects of its executive orders (EOs) that ban “illegal” diversity, equity, and inclusion (DEI) programs applies across the federal executive branch, not just to those named in the complaint. *National Association of Diversity Officers in Higher Education et al. v. Trump et al.*, No. 1:25-cv-00333 (D. Md.).

In January 2025, President Donald Trump [issued EOs](#) prohibiting “illegal” DEI initiatives within the federal government and entities that contract with or receive funding from the federal government. The EOs further directed federal agencies to investigate and take action against such practices of all employers.

The court’s initial ruling on Feb. 21, 2025, granting a nationwide preliminary injunction temporarily prohibited the Trump Administration from enforcing certain aspects of the EOs, pending further legal proceedings. The ruling addressed provisions in EOs 14151 and 14173, which involve terminating equity-related grants or contracts and enforcing the aspects of the EOs relating to the concept of “illegal DEI.”

The Trump Administration appealed the preliminary injunction to the Fourth Circuit, asked the court to stay implementation of the preliminary injunction pending the appeal, and opposed the plaintiffs’ motion for clarity on the range of federal agencies covered

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by the injunction. The government argued the court did not have jurisdiction to clarify the injunction while its ruling is under appeal. On March 3, the [court denied](#) the government's request for the stay and on March 10 issued the clarification requested by the plaintiffs.

The following are key points from the court's March 10 order:

- The preliminary injunction applies to federal executive branch agencies, departments, commissions, and their heads, officers, agents, and subdivisions, not just to those named in the complaint.
- These entities are prohibited from pausing, freezing, impeding, blocking, canceling or terminating any awards, contracts, or obligations based on the EOs.
- These entities are prohibited from requiring certifications or bringing enforcement actions based on the EOs.

The court's ruling does not impact investigations or lawsuits based on longstanding civil rights laws such as Title VII of the Civil Rights Act of 1964. Nor does the preliminary injunction prevent plaintiffs — applicants, employees, or third-party organizations — from pursuing discrimination claims based on what they allege to be illegal DEI programming. The preliminary injunction also does not prevent the Department of Justice, agencies, or state attorneys general and others from issuing letters, investigations, and lawsuits based on employer DEI initiatives.

Given that the injunction does not prohibit investigations or litigation based on alleged violations of Title VII or other civil rights laws, employers should conduct privileged assessments of their DEI programming and initiatives.

Jackson Lewis attorneys are closely watching developments in this area and can assist you with your assessments.

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